

**MINUTES
CITY OF UNION CITY
CITY COUNCIL/REDEVELOPMENT AGENCY MEETING
February 28, 2006**

I. CALL TO ORDER: Mayor Green called the regular meeting to order at 7:06 p.m.

1.1 Pledge of Allegiance: Mayor Green led the Pledge of Allegiance.

1.2 Roll Call: Present: Councilmembers Dutra-Vernaci, Fernandez, Navarro,
Mayor Green

Absent: Vice-Mayor Valle (arrived at 7:20 p.m.)

Motion: It was m/s by Green/Dutra-Vernaci to add the following closed session item to the end of the agenda on the basis that a letter came to the Mayor's attention after posting of the agenda and there is a need for immediate action due to an approaching deadline. Motion carried with Vice Mayor Valle absent.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to section 54956.8 of the Government Code

Property: 1100 Decoto Road, APN 087-0019-004-02

Agency negotiator: Mark Leonard, Mark Evanoff

Negotiating parties: TMG Partners

Under negotiation: Price and Terms

II. UNFINISHED BUSINESS: None

III. PROCLAMATIONS AND PRESENTATIONS

3.1 Proclamation recognizing Police Corporal Tom Gorrie for his efforts in saving the life of a despondent person

Mayor Green read the proclamation and presented it to Police Corporal Gorrie.

3.2 Presentation recognizing the Elementary School 5th Annual Valentines Day Card Competition Winners

Scott Ferris, Recreation Supervisor, presented the awards to the following winners:

Kindergarten:

1st. Place
Emily Williams
Pioneer

2nd Place
Damoni Nears
Alvarado

3rd Place
Trevor Autenreith
Kitayama

1st Grade:

1st place
Daniel Rannes
Kitayama

2nd place
Navleen Mann
Alvarado

3rd place
Marissa Aguilina
Delaine Eastin

2nd Grade:

1st place
Kamille Luna
Alvarado

2nd place
Tiffany Chou
Delaine Eastin

3rd place
Mylee Suarez
Alvarado

3rd Grade:

1st place
Marjot Khalsa
Alvarado

2nd place
Jessica Aguilar
Delaine Eastin

3rd place
Idalia Longoria
Kitayama

4th Grade:

1st place
Paola Navarro
Hillview Crest

2nd place
Gaganpreet Garcha
Delaine Eastin

3rd place
Vernie Velasco
Cabello

5th Grade:

1st Place
Akhshaya Baskar
Delaine Eastin

2nd place
Jerome Dirilo
Guy Emanuele

3rd place
Amy Le
Pioneer

Vice-Mayor Valle joined the meeting at 7:20 p.m.

IV. ORAL COMMUNICATIONS

Alexander Starr, representing the League of Women Voters, extended an invitation to the Council to attend a Sunshine Forum on March 17th at the San Lorenzo Village Community Hall from 9 a.m. to 2:00 p.m. The forum will cover the Freedom of Information Act, Brown Act, and Public Records Act.

Yolanda Triana spoke about a letter that appeared in the Argus today regarding the Union City Police Department.

V. CONSENT CALENDAR: Items 5.2, 5.3, 5.5, 5.7 and 5.8 were pulled for separate action.

5.1 Adopted **Resolution No. 3114-06** awarding a service agreement to Nova Commercial Company, Inc. in the amount of \$251,402.30 per year for a two-year period for custodial service and janitorial supplies for City facilities.

5.4 Adopted **Resolution No. 3115-06** authorizing a Side Letter of Agreement with employee bargaining units approving a PERS retirement enhancement for Miscellaneous City Employees.

5.6 Adopted **Resolution No. 3116-06** accepting public improvements for Tract 7394, north of Lowry Road east of Regents Boulevard, Ponderosa Homes II, Inc.

Motion: It was m/s by Valle/Fernandez to approve Consent Items 5.1, 5.4, and 5.6 as recommended by staff. Motion carried unanimously.

5.2 Adopt a Resolution authorizing Alameda County Water District to annex parcels of land at the end of Florence Street, APN 087-0034-002-07 to participate in a Property Tax Sharing Agreement

Councilmember Fernandez requested Item 5.2 removed for separate action due to a conflict of interest.

Motion: It was m/s by Dutra-Vernaci/Navarro to adopt **Resolution No. 3117-06** authorizing Alameda County Water District to annex parcels of land at the end of Florence Street, APN 087-0034-002-07 to participate in a Property Tax Sharing Agreement as recommended by staff. Motion passed by the following vote:

Ayes: Dutra-Vernaci, Navarro, Valle, Green
Noes: None
Absent: Fernandez (due to a conflict of interest)

- 5.3 Adopt a Resolution accepting work performed by O'Grady Paving, Inc. for the 2004-05 Overlay Program, City Project No. 04-05

Mayor Green commented on the sequencing of the project timeline.

Berry Ferrier expressed concern with the timing of the re-striping, particularly around schools.

Motion: It was m/s by Green/Fernandez to adopt **Resolution No. 3118-06** accepting work performed by O'Grady Paving, Inc. for the 2004-05 Overlay Program, City Project No. 04-05 as recommended staff. Motion passed by the following vote:

Ayes: Dutra-Vernaci, Fernandez, Navarro, Valle, Green
Noes: None
Absent: None

- 5.5 Adopt a Resolution declaring certain vehicles and equipment as surplus

Mayor Green pulled Item 5.5 to question why Vehicle #307, with only 26,000 miles, was on the list for surplus.

Director Cheng advised that she would have to check and report back to Council.

Motion: It was m/s by Green/Valle to adopt **Resolution No. 3119** declaring certain vehicles and equipment as surplus as recommended by staff, with the deletion of vehicle #307. Motion passed by the following vote:

Ayes: Dutra-Vernaci, Fernandez, Navarro, Valle, Green
Noes: None
Absent: None

- 5.7 Adopt a Resolution authorizing the filing of an application for Federal Surface Transportation Program Funding for Alvarado-Niles Road Pavement Rehabilitation and committing the necessary non-federal match and stating the City's assurance to complete the project

Mayor Green questioned if there was a way to advance some of the funding and still get reimbursed.

Director Cheng responded that an authorization letter from CalTrans should be received before the City can go ahead with the project.

Motion: It was m/s by Green/Navarro to adopt **Resolution No. 3120-06** authorizing the filing of an application for Federal Surface Transportation Program Funding for Alvarado-Niles Road Pavement Rehabilitation and committing the necessary non-federal match and stating the City's assurance to complete the project. Motion passed by the following vote:

Ayes: Dutra-Vernaci, Fernandez, Navarro, Valle, Green

Noes: None

Absent: None

- 5.8 Reject Claim No. 651 filed by Michael Young as recommended by the City's third party insurance adjuster

Mayor Green requested Item 5.8 removed for separate action to comment on this claim.

Motion: It was m/s by Green/Dutra-Vernaci to reject Claim No. 651 filed by Michael Young as recommended by the City's third party insurance adjuster. Motion carried unanimously.

VI. PUBLIC HEARINGS

- 6.1 Consideration of a Resolution confirming nuisance abatement costs and authorizing the imposition of a nuisance abatement lien and special assessment for real property located at 3508 Smith Street, APN 483 0025 008 00

Glen Kirby, Neighborhood Preservation Coordinator, presented the cost accounting for 3508 Smith Street. The property has been a source of numerous City complaints and was deemed to be a public nuisance. A court ordered abatement allowed for cleanup of the property. As provided in the court order, an accounting of the abatement costs needs to be brought forward in order to impose a lien and special assessment for costs of cleaning up the property.

Mayor Green opened the hearing for public comment.

There being no public comment, the hearing was closed.

Motion: It was m/s by Valle/Fernandez to adopt **Resolution No. 3121-06** confirming nuisance abatement costs and authorizing the imposition of a nuisance abatement lien and special assessment for real property located at 3508 Smith Street, APN 483 0047 078 00. Motion carried unanimously.

- 6.2 Consideration of a Resolution confirming nuisance abatement costs and authorizing the imposition of a nuisance abatement lien and special assessment for real property located at 3062 San Fernando Way, APN 483 0047 078 00

Glen Kirby, Neighborhood Preservation Coordinator, presented the cost accounting for 3062 San Fernando Way. The property has been a source of numerous City complaints and was deemed to be a public nuisance. A court ordered abatement allowed for cleanup of the property. As provided in the court order, an accounting of the abatement costs needs to be brought forward in order to impose a lien and special assessment for costs of cleaning up the property.

Mayor Green opened the hearing for public comment.

There being no public comment, the hearing was closed.

Motion: It was m/s by Fernandez/Dutra-Vernaci to adopt **Resolution No. 3122-06** confirming nuisance abatement costs and authorizing the imposition of a nuisance abatement lien and special assessment for real property located at 3062 San Fernando Way, APN 483 0047 078 00. Motion carried unanimously.

6.3 Consideration of an appeal of a Planning Commission decision for Site Development Review, SD-01-06; Safeway Store in the Union Square Marketplace, 1790 Decoto Road

Avalon Evans, Assistant Planner, gave the staff report. Safeway has appealed part of the Site Development Review, SD-01-06, condition #5 to use either paint scheme regardless of the rest of the center. Staff and the Planning Commission recommend using either paint scheme as long as the same trim color is used on the bulk of the Shopping Center.

Councilmember Fernandez questioned why there is a difference in the existing blue tone colors.

Todd Paradis, Safeway, stated it might be due to sun exposure or touch-ups that have taken place over time. He stated the property's landlord does not want to repaint at this time. Mr. Paradis stated that Safeway is requesting to complete the painting as proposed. He also stated that Safeway is willing to repaint at their costs should the Council not like the results.

Vice Mayor Valle questioned if contact with the owner of the property had taken place. Director Leonard advised that the property owner was contacted, however, at this time, he is unable to provide the paint improvements.

Mayor Green asked for an estimate of the cost to repaint the entire trim area.

Todd Paradis projected the cost at \$100,000 plus.

Mayor Green opened the hearing for public comment.

There being no comments, the hearing was closed.

Motion: It was m/s by Green/Valle to adopt **Resolution No. 3123-06** approving the appeal of a Planning Commission decision for Site Development Review, SD-01-06; Safeway Store in the Union Square Marketplace, 1790 Decoto Road. Motion carried unanimously.

Council recessed to a break at 8:39 p.m. and reconvened at 8:52 p.m. with all members present.

Mayor Green requested that Item 6.5 be moved ahead of 6.4. Council concurred.

- 6.5 Joint City Council/Community Redevelopment Agency Hearing: Union City Intermodal Station Passenger Rail Project and Final Environmental Impact Report; 1) Certification of the Union City Intermodal Station Passenger Rail EIR; 2) Approval of the Intermodal Station Passenger Rail Project; and 3) Direction to staff to seek funding for implementation of the project and to apply to the Capitol Corridor Joint Powers Authority for a passenger rail stop at the Union City BART Station

Planning Manager Malloy introduced the staff report. The Union City Intermodal Station Passenger Rail Project would establish a passenger rail station at the Union City BART Station, support interconnectivity among transit providers, and support a transit oriented development.

Karl Schaarschmidt, EarthTech, addressed issues raised in the comment period of the Final EIR.

Bill Kasson, EarthTech, commented on the significant impacts and mitigation measures.

Jim Allison, Capitol Corridor, stated there will be an increase in train service from four round trips to seven, with the ultimate goal of 16 round trips. The times of operation for the trains are 4:30 a.m. to 10:30 p.m. No freight traffic is included in this increase.

Mayor Green opened the hearing for public comment.

Those speaking in favor of the project:

Barry Ferrier stated his strong support for the proposal.

Jim Allison, Capitol Corridor, thanked the staff for their professionalism on this unique regional project. He stated the noise levels of the trains would occur with or without this project taking place.

Dick Wenzel, BART, stated this is a significant project and part of a regional solution to transportation.

Those speaking in opposition:

Fremont resident, [name unintelligible], requested that the *Dumbarton Rail Corridor Environmental Phase I Alternatives and Analysis and Project Purposes* booklet be presented to the Council. He stated that train traffic will dramatically increase through Niles, which will impact all the residents. He also stated that the EIR is deficient in that it doesn't include the increase of freight traffic on the Niles track. He is requesting a soundwall.

Fremont resident, [name unintelligible], residing at 16644 Riverwalk, opposed the project due to the Shinn Pond connection. He also requested a soundwall.

J. J. Amaya stated the EIR needs to reflect the impacts on neighborhoods and requested a soundwall. He commented on the noise pollution from the train horns and expressed his concern about the location of the layover yard.

There being no further comments, Mayor Green closed the public hearing.

Motion: It was m/s by Green/Fernandez to adopt **Resolution No. 3124-06/Community Redevelopment Agency Resolution No. 330-06** approving Union City Intermodal Station Passenger Rail Project and Final Environmental Impact Report; 1) Certification of the Union City Intermodal Station Passenger Rail EIR; 2) Approving the Intermodal Station Passenger Rail Project; and 3) Directing staff to seek funding for implementation of the project and to apply to the Capitol Corridor Joint Powers Authority for a passenger rail stop at the Union City BART Station. Motion carried unanimously.

6.4 Introduction of Ordinance amending Title 18 of the Municipal Code pertaining to Sign Regulations; Zoning Text Amendment, AT-03-05

Avalon Evans, Assistant Planner, introduced the staff report. Council directed staff to amend the Sign Regulation to better regulate on-site development/contract and non-residential real estate signs commonly known as “for lease” signs. The Planning Commission recommends: 1) limiting display period of temporary “for lease” signs from 12 months to sixty days; 2) limiting display period of temporary “for lease” signs to one per calendar year with one possible extension; 3) limiting size of temporary “for lease” signs from 64 square feet to 32 square feet; and 4) amending freestanding sign regulations to allow leasing information including contact name and number, as well as square footage on existing and proposed monument signs.

Mayor Green opened the hearing for public comment.

Those speaking in opposition to this ordinance:

J. J. Amaya stated the sign at 2nd and Whipple is ugly and should be replaced to reflect Union City aesthetics.

Keven Ahaesy, Cushman and Wakefield, requested reconsideration of this ordinance. He stated that one third of calls come from these types of signs. Commerce comes from the business these signs generate. Sign size is important because you need the visibility from cars. He also stated that signs are more prominent in industrial areas.

There being no further comments, Mayor Green closed the public hearing.

Motion: It was m/s by Green/Fernandez to adopt **Ordinance No. 664-06** amending Title 18 of the Municipal Code pertaining to Sign Regulations; Zoning Text Amendment, AT-03-05. Motion carried unanimously.

6.6 Consideration of a Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Line M Channel Box Culvert Project, located along the southeasterly property line of the PG&E property, 1100 Decoto Road, and approving said City Project No. 03-25

Planning Manager Malloy introduced the staff report. The Line M Channel is a concrete lined flood control facility that is under capacity. Line M traverses the

former PG&E property at the PSSC boundary. The City and Alameda County Flood Control District received an EDA grant to box approximately 490 feet of Line M Channel. This would improve flood control, maximize land area for transit oriented development, eliminate safety hazard of an open concrete channel, and allow 40' wide strip of open space on top of channel for landscaping, pathway and storm water treatment.

Mayor Green opened the hearing for public comment.

Those speaking in favor of this project:

Representative from Alameda County Flood Control District stated his role is to facilitate discussion and move this project along.

Speaking in opposition to this project:

J. J. Amaya stated the water in the creek use to be the color of anti-freeze. He is glad to hear fish and game have a place in this project because he wants to make sure we are not creating a bigger threat to the environment.

Motion: It was m/s by Green/Dutra-Vernaci to adopt **Resolution No. 3125-06** adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Line M Channel Box Culvert Project, located along the southeasterly property line of the PG&E property, 1100 Decoto Road, and approving said City Project No. 03-25. Motion carried unanimously.

VII. CITY MANAGER REPORTS

7.1 Consideration of a Resolution adopting a Fiscal Management Policy

Director Digre introduced the staff report and stated the program has been a collective effort and has not been met with opposition from City employees. The policy identified how financial resources will be set aside for future uncertainties to meet the financial needs of the City.

Barry Ferrier stated his support for the policy.

J. J. Amaya stated he is glad to see the City moving in this direction and feels it is good planning and won't stretch RDA monies.

Motion: It was m/s by Green/Fernandez to adopt **Resolution No. 3126-06** adopting a Fiscal Management Policy. Motion carried unanimously.

7.2 Report on 50th Anniversary Celebration Activities

Deputy City Manager Acosta introduced the staff report and requested concurrence to set the kick-off meeting for Tuesday, March 21st, at 7 p.m. at the Ruggeri Senior Center. The meeting will be open to any who would like to attend and participate. It is necessary to begin fundraising, because no City funds will be used. The meeting will be posted as a Council meeting.

VIII. REDEVELOPMENT AGENCY: None

IX. AUTHORITIES AND AGENCIES: None

X. CITY COMMISSION/COMMITTEE REPORTS: None

XI. ORAL COMMUNICATIONS

J. J. Amaya commented on an article regarding Barry Shotzman winning an award with the Argus; referred to his recent public records request; his appeal to the City Manager concerning a recent police incident; an accountability issue; and working on common goals. He also stated that an increase in train traffic will reduce emergency response time for the Decoto neighborhood.

XII. SCHEDULED ORAL COMMUNICATIONS: None

XIII. ITEMS REFERRED BY COUNCIL

13.1 Oral reports by Councilmembers on meetings of County or Regional Boards and Commissions

Vice Mayor Valle requested the date of the next joint meeting with NHUSD. City Manager Cheeves responded that the date for the joint meeting has been set for March 20th.

Councilmember Dutra-Vernaci reported that Eric Figuerro has replaced Stacy Wells at the League of California East Bay Division.

XIV. GOOD OF THE ORDER

Vice Mayor Valle was contacted by a resident at the Tropics concerning Comcast charges. He requested that the Comcast ordinance be reviewed.

Vice Mayor Valle reported that Blue Sky Cleaners (formerly Rose Cleaners) won regional and federal awards for their use of technology that dry cleans without using chemicals. He would like them recognized as a clean business. March 21st will be their grand opening.

Mayor Green reported enjoying the opening of Jerry's Grill at Union Landing.

Mayor Green would like to see a presentation on Waste Management's Compost Facility. Staff responded this will take place at the March 28th Council meeting.

Mayor Green has received comments that there is signal deterioration of the audio of the HRC Commission replay of their meetings. He also stated that in watching School Board meetings, the sound is dismal in that full volume is needed. Both of these appear to be Comcast issues.

Mayor Green also reported that Logan High School's 10th Annual Science and Health Fair will focus on global warming.

Mayor Green stated there is a proliferation of shopping carts on all streets. He requested we take an active approach to cleanup of the carts.

City Manager Cheeves requested Council adjourn their meeting tonight to March 11, 2006 at 9:00 a.m. for a walk-through of the gym site with the Park and Recreation Commission. This meeting will be noticed as a Council meeting.

- XV. ADJOURNMENT** – There being no further business, Mayor Green adjourned the meeting at 10:51 p.m.

Respectfully submitted,

Renee Elliott
City Clerk